

Board of Adjustment



Minutes

City Council Chambers, Lower Level
April 12, 2011

Board Members Present:

Garrett McCray, Chair
Nicholas Labadie, Vice-Chair
Diane von Borstel
Greg Hitchens
Cameron Jones
Danette Harris
Tyler Stradling

Others Present:

Others

Staff Present:

Gordon Sheffield
Angelica Guevara
Mia Lozano-Helland
Lesley Davis
Wahid Alam

The study session began at 4:41 p.m. The Public Hearing meeting began at 5:36 p.m. Before adjournment at 5:43 p.m., the following items were considered and recorded.

Study Session began at 4:41 p.m.

- A. Zoning Code Update: Mr. Sheffield stated that the Design Review Board had recommended approval of the Final Draft of the Zoning Ordinance Update at the April 6th, 2011 meeting. A brief discussion ensued regarding the final steps to approval by City Council.
- B. Presentation of proposed Telecommunications Chapter of the Zoning Code presentation: Mr. Sheffield reviewed changes in the Zoning Code Update related to Telecommunications. A general discussion followed regarding issues related to the changes.
- C. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:36 p.m.

- A. Consider Minutes from the March 8, 2011 Meeting A motion was made to approve the minutes with a minor edit by Boardmember Labadie and seconded by Boardmember Jones. Vote: Passed 7-0
- B. Consent Agenda #1 A motion to approve consent agenda #1 as read was made by Boardmember Stradling and seconded by Boardmember Jones. Vote: Passed 7-0

Consent Agenda #2 A motion to approve consent agenda #2 as read was made by Boardmember Jones and seconded by Boardmember von Borstel. Vote: Passed 6-0-1 (Boardmember Stradling abstaining)

**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA10-071

Location: 2050 West Dixon Street

Subject: Requesting a Variance to allow an existing carport to be converted into a garage encroaching into the required side yard in the R-2 PAD zoning district. (PLN2010-00345) **Continued from the March 8, 2011 meeting**

Decision: Approved.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to approve case BA10-071 with the following conditions:

- 1. Compliance with the site plan and exhibits submitted.*
- 2. Western wall of garage shall be located 5.5' from the west property line.*
- 3. Compliance with all requirements of the Development Services Division in the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1** The applicant requested to encroach into the required side yard setback to allow an existing carport conversion to a garage that accommodates two vehicles. The subject property was developed in the 70's as a single family residence with a two-car carport.
- 1.2** The subject property is zoned R-2-PAD within the Village Park I subdivision and has 10' side setbacks. There is a 3.5' setback along the west property line and a 7' setback along the east property line. There is an existing 5' public utility easement adjacent to the west property line.
- 1.3** This approval allows the garage to encroach 4.5' into the required 10' setback along the west property line, and encroaches 3' into the required 10' setback along the east property line. The existing encroachments into the side yards for the livable area of the house are also authorized with this approval.
- 1.4** The garage is 19' wide and accommodates two vehicles, which is required by current Code. Strict compliance with current Code would have precluded the property owner from being able to enclose the existing carport
- 1.5** The existing dwelling was constructed within the 5' public utility easement adjacent to the west property line. The property owner filed two requests with the City's Real Estate Office to abandon a portion of the utility easement and to allow an encroachment into the public utility easement (PUE). Both of these requests were denied at Salt River Project's objection due to SRP having a significant cable in the ground. SRP did inform the property owner that they would not take any action on the current encroachment into the PUE, but they could not allow any further encroachments into the PUE.

**Board of Adjustment Meeting
April 12, 2011**

- 1.6** The applicant's original request showed a 6.5' encroachment into the side yard which would have resulted in a 1.5' encroachment into the PUE. Due to the denial from SRP, the applicant revised the site plan by moving the outer wall of the garage 2' away from the property line to avoid any encroachment into the PUE. The outer wall of the garage and the existing home still encroach into the required 10' side yard requiring the variance.
- 1.7** The property owner provided a design that has little impact on the neighbors while maintaining the character of the home. As a result, the encroachment is compatible with, and not detrimental to, adjacent properties.

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**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-009

Location: 25 North Extension Road

Subject: Requesting a Special Use Permit (SUP) to allow a Commercial Communication Tower in the C-3 zoning district. (PLN2010-00405) **Continued from the March 8, 2011 meeting**

Decision: Continued to the May 10, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to continue case BA11-009 to the May 10, 2011 meeting.

Vote: Passed 7-0

**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-014

Location: 454 South Pasadena

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the addition of a dwelling unit in the R-2 zoning district. (PLN2011-00027) **Continued from the March 8, 2011 meeting**

Decision: Continued to the May 10, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to continue case BA11-014 to the May 10, 2011 meeting.

Vote: Passed 7-0

**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-017

Location: 245 South Power Road

Subject: Requesting a Special Use Permit to allow an Electronic Message Display to change more frequently than once per hour in the C-2 zoning district. (PLN2011-00044)

Decision: Continued to the May 10, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to continue case BA11-017 to the May 10, 2011 meeting.

Vote: Passed 6-0

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**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-018

Location: 3104 East Broadway Road

Subject: Requesting a Variance to allow a sign to exceed the maximum area and height allowed in the R-4 zoning district. (PLN2011-00050)

Decision: Approved with conditions

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to approve case BA11-018 with the following conditions:

1. *Compliance with the site plan and elevations submitted.*
2. *Compliance with all requirements of the Development and Sustainability Department with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings:

- 1.1 This variance was approved to allow a detached sign that is 32 square feet and 6-foot 10-inches high for the Brentwood west Mobile Home Park. According to section 11-19-6 (D) of the zoning ordinance a property in the R-4 zoning district may have two (2) signs per parcel or development not exceeding a combined area of one (1) square foot per each five (5) lineal feet of street frontage of the lot or development site. Parcels having frontage on more than one street shall be permitted signage based on each street frontage. No sign shall exceed thirty-two (32) square feet in area and, if detached, shall not exceed eight feet (8') in height.
- 1.2 The Broadway Road entrance is the only entry into the property. The width of their frontage is the width of the entry road into the park, which is 70-feet wide. The width of the subdivision behind the frontage parcels is more than 1300 feet wide. If the applicant installed a sign that complied with Ordinance standards, that sign would be 14 square-feet in area.
- 1.3 There was one existing non-conforming 48 square foot by 8-feet tall sign at the entrance that was in need of replacement. The new sign is 32 square-feet in area and 6-foot 10-inches high, with additional height for architectural embellishment per section 11-19-8(D) of the Zoning Ordinance.
- 1.4 The subject parcel is unique in that it only has 70 feet of frontage on the public street, which would only allow a 14 square foot sign. A sign of this size would not be noticed by traffic on Broadway Road. The actual width of the subdivision widens to more than 1300 feet. If that width were along a street frontage it would allow the applicant to have the maximum sign area of 32 square-feet and 8-foot high. The applicant requested a sign that is 6-foot 10-inches in height with an additional 20% for architectural embellishment.

**Board of Adjustment Meeting
April 12, 2011**

- 1.5** The narrow Broadway Road frontage is a unique condition that justified sign height and area consistent with standard development in the R-4 district. Additionally, the sign identifies the only public access to the development. Given the narrow frontage, improved visibility is necessary to safely direct vehicular traffic.
- 1.6** The Brentwood Mobile Home Park was in existence in 1972 when it was annexed into the City of Mesa.
- 1.7** Strict compliance with the Code in requiring the property owner to adhere to the 14-square foot sign area would deprive the property of privileges enjoyed by other properties in the same zoning district. In this case, even though the lot frontage is only 70-feet, the size of the mobile home park is substantial and warrants a larger sign area.
- 1.8** The variance request does not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

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**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-019

Location: 957 South Dobson Road

Subject: Requesting a Special Use Permit to allow a commercial communication tower to exceed the maximum height allowed in the C-2 zoning district. (PLN2011-00064)

Decision: Continued to the May 10, 2011 meeting.

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Stradling, seconded by Boardmember Jones to continue case BA11-019 to the May 10, 2011 meeting.

Vote: Passed 6-0

**Board of Adjustment Meeting
April 12, 2011**

Case No.: BA11-020

Location: 1510 South Country Club Drive

Subject: Requesting a modification of a Special Use Permit for a Commercial Communication Tower in the C-2 zoning district. (PLN2010-0025)

Decision: Continued to the May 10, 2011 meeting

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Jones seconded by Boardmember von Borstel to continue case BA11-020 to the May 10, 2011 meeting.

Vote: Passed 6-0-1 (Stradling abstaining)

**Board of Adjustment Meeting
April 12, 2011**

D. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Mia Lozano, Planning Assistant

G: Board of Adjustment/Minutes/2011/April 2011